

Date of Meeting: May 7, 2014

13A

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: **Transportation and Land Use Committee Report:
ZOAM 2013-0007, Amendments to the Commercial Light
Industry (CLI) Zoning District**

ELECTION DISTRICT: Dulles and Blue Ridge

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS: Theresa Stein, Planner, Zoning Administration
Mark Stultz, Deputy Zoning Administrator
Nicole C.E. Dozier, Zoning Administrator
Michael Seigfried, Interim Director, Building and Development

PURPOSE: The purpose of this application is to amend the regulations of the Commercial Light Industry (CLI) Zoning District in the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) to encourage additional economic development opportunities in the Route 50 Corridor.

RECOMMENDATIONS:

Transportation and Land Use Committee: On March 21, 2014 the Transportation and Land Use Committee (TLUC) voted unanimously to recommend approval of ZOAM 2013-0007, subject to the revisions made at the meeting, which have been incorporated into the draft text provided in Attachment 1 of this Action Item.

Planning Commission: On January 7, 2014 the Planning Commission voted (9-0-0) to forward ZOAM 2013-0007 to the Board of Supervisors (Board) with a recommendation of approval, subject to the revisions made at the January 7, 2014 Planning Commission work session. The Planning Commission recommendations on the specific issues are noted in the Issues Matrix (Attachment 2).

Staff: Staff concurs with TLUC recommendation of approval, with the exception of: 1) including “continuing care facilities” or any component thereof as a special exception use in the CLI zoning district; and 2) reducing the minimum lot size to one acre.

BACKGROUND: The Board held a public hearing for ZOAM-2013-0007 on March 12, 2014. At the public hearing, the Board briefly discussed the following issues that were identified in the Staff

Report: 1) adding “continuing care facility” as a special exception use; 2) reducing the required minimum lot size from 2 acres to 1 acre; and 3) limiting access to Route 50.

There were five members of the public that spoke at the public hearing, all of whom were in support of the proposed changes. Two speakers spoke in support of reducing the minimum lot size to one acre. Three speakers supported the addition of “continuing care facility” as a special exception use, and one speaker, a CLI property owner, provided proposed performance standards for such facilities as a way to mitigate the negative impacts and to require an age restriction on such facilities. Another speaker commended the Planning Commission on recommending that “medical office” be added as a permitted use and also urged the Board to consider the inclusion of gas stations in unified plans for development so that his existing use could be incorporated into a unified plan. At the conclusion of the public hearing, the Board voted (8-0-1, Higgins absent) to forward ZOAM-2013-0007 to the March 21, 2014 TLUC meeting for further discussion.

The TLUC met on March 21, 2014 to discuss ZOAM-2013-0007 and the outstanding issues. A summary of the issues and the recommendations of Staff, the Planning Commission, and TLUC are included in the Issues Matrix in Attachment 2. In addition, a summary of the specific TLUC discussion and recommendations are as follows:

- **Adding “Continuing Care Facility” as a Special Exception Use:** The recommendation to add “continuing care facilities” as a special exception use in the CLI Zoning District originated with the Zoning Ordinance Action Group (ZOAG). The recommendation from ZOAG came after the first round of referral comments and was not part of the Stakeholder recommendations or property owner comments. Based on Staff’s main concern with the independent living component of the use, the Planning Commission recommended that only the “adult assisted living” and “nursing home” components of the use be added as special exception uses.

Staff provided the TLUC with additional information requested by Supervisor Letourneau at the Board’s public hearing and following the public hearing but prior to the TLUC meeting. The first request was for information regarding the number of “continuing care facilities” in the County and their age restricted status. Based on Staff research, there are seventeen (17) continuing care facilities in the County. Of those, seven (7) are regulated by the Planned Development – Active Adult/Age Restricted (PD-AAAR) Zoning District; five (5) are subject to an age restriction according to proffers or special exception conditions; and five (5) have no age restriction.

Additionally, Supervisor Letourneau asked if performance standards could be incorporated in the Zoning Ordinance to restrict the location of continuing care facilities to specific locations within the CLI Zoning District (as proposed in the draft performance standards provided by Mr. Coggins, from Atapco/East Gate Partners, at the Board’s public hearing) and whether performance standards could include the same elements found in the PD-AAAR Zoning District. Staff explained that performance standards cannot limit a use to specific locations within the CLI Zoning District because the Virginia State Code requires that “all zoning

regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts". Staff further stated that certain performance standards, such as an age restriction, could be included that contain similar elements of the PD-AAAR Zoning District regulations.

Furthermore, Supervisor Letourneau asked for a comparison of the traffic associated with an independent living facility or other continuing care facility with the general traffic associated with other uses in the CLI Zoning District. Staff calculated that the daily trip generation of a "continuing care facility" and its various components is similar to a 3,000 square foot gas station.

The TLUC discussed the need for "continuing care facilities" in the area of the County where the CLI Zoning District is located, and determined that all components of the use could be appropriately accommodated as a special exception, with performance standards to mitigate impacts to the zoning district, such as including an age-restriction and requiring the inclusion of appropriate and necessary services and amenities for the residents of the use.

Based on the TLUC recommendation, Staff has included performance criteria for the "continuing care facility" use in the draft text in Attachment 1. The performance criteria are based primarily on the performance criteria provided by Mr. Coggins of Atapco Properties/East Gate Partners at the Board's public hearing, which were derived primarily from requirements found in the PD-AAAR Zoning District. Staff also added a performance criterion recommended by the TLUC to require a "continuing care facility" to be set back 300 feet from Route 50 in order to encourage access from parallel collector roads, such as Tall Cedars Parkway, rather than Route 50.

Staff does not support the inclusion of a "continuing care facility" as a special exception use in the CLI Zoning District. This issue is discussed further in the Issues Section of the Action Item below.

- **Restricting Access to Route 50:** The TLUC recommended the elimination of individual parcel access, and that all permitted and special exception uses in the CLI Zoning District have restricted access to Route 50, a minor arterial road, because its planned ultimate condition is a limited access principal arterial roadway utilizing interchanges. The draft text in Attachment 1 includes the recommended restriction.
- **Adding "Museum or Exhibition Facility" as a Permitted Use with no Access to Route 50:** While the Planning Commission recommended that "Museum and Exhibition Facility" be permitted pursuant to Section 3-907(F), which allows direct access onto Route 50 until such time as an alternative route is available, the TLUC supported Staff's recommendation that the use be permitted with no access onto Route 50.
- **Retaining "Convenience Food Store Without Gas Pumps" as a Special Exception Use:** ZOAG recommended reclassifying "Convenience food store without gas pumps" to a permitted use. However, both the Planning Commission and TLUC concurred with Staff's

recommendation that the use should remain as a special exception due to the intensity of traffic created by a convenience store and the reluctance to increase the number of such uses along Route 50, the gateway into the County, as envisioned by the Revised General Plan.

- **Reducing the Required Minimum Lot Size to One Acre with Route 50 Access Restrictions:** In response to an inquiry from Supervisor Letourneau prior to TLUC meeting, Staff noted that if the minimum required lot size were reduced from 2 acres to 1 acre, the number of access points onto Route 50 could potentially more than double unless other limitations are imposed. TLUC supported the reduction of the minimum lot size from 2 acres to 1 acre provided this change would not result in an increase in the number of access points allowed onto Route 50. The draft text language provided to TLUC during the March 21, 2014 meeting, and included in Attachment 1, addresses this issue by reducing the minimum lot size to 1 acre and specifying that lots less than 2 acres in size shall not have direct access to Route 50. Staff continues to have concerns regarding the reduction in lot size. The issue is discussed further in the Issues section of the Action Item below.

At the conclusion of their March 21, 2014 meeting, TLUC voted unanimously to forward ZOAM-2013-0007 to the Board of Supervisors with a recommendation of approval, subject to the revisions made at the meeting, which have been incorporated in the draft text in Attachment 1 of this Action Item.

ISSUES: In general, as noted throughout the ZOAM-2013-0007 process, the variety of commercial uses currently permitted in the CLI Zoning District do not promote the coordinated and efficient land use or traffic pattern envisioned by the Revised General Plan for the Route 50 Corridor. As such, amendments to the CLI zoning district that continue to add to the inconsistency between the Revised General Plan and the Zoning Ordinance are not supported. While the Route 50 Corridor remains largely undeveloped, there are several approved but unbuilt projects in this area that will ultimately help to generate the employment uses intended for the County's southern gateway. The following specific issues remain of concern to Staff.

1. **Adding Continuing Care Facilities as a Special Exception Use:** Staff does not support the addition of "continuing care facility" as a special exception use, subject to performance criteria, in the CLI Zoning District as recommended by TLUC. Staff does not recommend adding any components of the use as a special exception because of the following concerns: 1) the residential nature of the use is not compatible with the purpose and intent of the zoning district or the commercial and light industrial uses permitted in the CLI zoning district; 2) the residential nature of the use (in particular, the independent living component) will likely increase the demand for County services, and without the proffer negotiation opportunity afforded through the rezoning process, there would be no mechanism available for mitigating the impacts through capital facility contributions; and 3) the daily traffic generation for a continuing care facility could have a significant impact on the road network, including Route 50.
2. **Reducing the Required Minimum Lot Size to One Acre:** Staff does not support reducing the minimum lot size from 2 acres to 1 acre. As stated previously, the CLI zoning district

permits high traffic generating commercial uses that are inconsistent with the vision for the Route 50 Corridor. Permitting these types of uses on smaller lots only increases the potential for more inconsistent uses while reducing incentives to consolidate CLI zoned parcels.

- 3. Consideration of Remapping the CLI Zoning District:** The March 12, 2014 Board public hearing staff report included a discussion on whether the Board wished to consider eliminating the CLI Zoning District and remapping it to a zoning district that is more consistent with the Revised General Plan in order to further the County's long-term vision of the Route 50 corridor. The remapping was originally contemplated during the October 16, 2013 strategic plan discussions as an alternative to amending the CLI Zoning District. If the Board approves the revisions to the regulations of the CLI Zoning District proposed by ZOAM-2013-0007, as recommended by TLUC, there would be no reason to consider remapping at this time as the original Stakeholder and ZOAG issues and recommendations have been deliberated.

The Board will be asked to give direction on whether or not to pursue a CLI remapping during the next strategic plan update.

FISCAL IMPACT: If ZOAM-2013-0007 is approved, additional uses will be permitted by-right along Route 50 that has the potential to increase the tax base within the County. It is also anticipated that approval of ZOAM-2013-0007 will result in a reduction in time and cost of development due to the reclassification of certain special exception uses, which require legislative approval, to permitted uses that only require administrative approval. Reclassification of uses will result in a reduction in land development application fees due to fewer special exception applications.

ALTERNATIVES:

1. Approve the draft of ZOAM 2013-0007 recommended by TLUC (Attachment 1).
2. Approve an alternative draft of ZOAM 2013-0007.
3. Deny ZOAM-2013-0007

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve ZOAM 2013-0007, Amendments to the Commercial Light Industry Zoning District, as set forth in Attachment 1 of the Action Item for the Board of Supervisors May 7, 2014 Business Meeting.

OR

2. I move an alternate motion.

ATTACHMENTS:

1. Final Draft Text, Revised March 21, 2014
2. Issues Matrix

Section 3-900

CLI - Commercial Light Industry.

3-901

Purpose. The purpose of the CLI district is to accommodate a mix of similar and compatible office and industrial uses, and related supportive commercial retail and service uses along the Route 50/John Mosby Highway Corridor. The CLI district shall have limited traffic and aesthetic impacts on surrounding properties and on supporting public facilities and utilities. The CLI district is intended to generate development through the use of creative design that will enhance the character of the surrounding area and contribute to the development of a distinctive gateway along the Route 50 corridor. The district may allow tourist supportive uses to serve visitors and maximize on opportunities afforded by its proximity to the Air and Space Museum.

3-902

Size and Location. The CLI district is mapped only along the eastern end of Route 50 as depicted on the Zoning Map. The rezoning of land to CLI in other areas of the County shall not be permitted.

3-903

Permitted Uses. The following uses shall be permitted in the CLI district subject to the requirements ~~and performance criteria~~ of these regulations including, but not limited to Section 3-907(F), unless otherwise stated, and all other applicable Performance Criteria of Section 3-907.∴

- (A) Adult day care facility, ~~pursuant to Section 3-907(F).~~
- (B) Animal hospital.
- (C) Bakery, commercial.
- (D) Business service establishment, pursuant to ~~Section 3-907(F)~~ Section 5-661.
- (E) Child care center, pursuant to Section 5-609(B), ~~and Section 3-907(F).~~
- (F) Church, synagogue and temple.
- (G) Conference ~~or and~~ Training Center, ~~pursuant to Section 3-907(F).~~
- (H) Dwelling, single family, accessory to permitted or special exception uses.
- (I) Educational institution, ~~pursuant to Section 3-907(F).~~
- (J) Establishments for assembly, fabrication, processing, production and/or manufacturing of goods or products, pursuant to Section 3-907(~~HJ~~).
- (K) Fire and/or rescue station.

Section 3-900
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- (L) Flex industrial uses, pursuant to Section 5-608.
- (M) Funeral home or mortuary.
- (N) Health and fitness center, ~~pursuant to Section 3-907(F).~~
- (O) Hotel/Motel, 75 rooms or greater, pursuant to Section 5-611, ~~and Section 3-907(F).~~
- (P) Mass transit facilities.
- (Q) Medical care facility, outpatient only, ~~pursuant to Section 3-907(F).~~
- (R) Nursery, commercial, pursuant to Section 5-605.
- (S) Office, administrative, medical, business and professional, ~~pursuant to Section 3-907(F).~~
- (T) Park, public.
- (U) Police Station.
- (V) Post office, drop off and pick up.
- (W) Postal service, including overnight mail distribution facility.
- (X) Printing service.
- (Y) Public utility service center, without outdoor storage.
- (Z) Research, experimental, testing or development activities.
- (AA) Sewer pumping station.
- (BB) Telecommunications antenna, pursuant to Section 5-618(A).
- (CC) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (DD) Utility substation, dedicated.
- (EE) Utility substation, distribution, pursuant to Section 5-616.
- (FF) Veterinary service.
- (GG) Warehousing facility.
- (HH) Water pumping station.
- (II) Wholesale trade establishment, pursuant to Section 5-663.

(JJ) Facility for lessons in dance, gymnastics, judo and sports training.

(KK) Data center, pursuant to Section 5-664 (ZOAM 2013-0003).

(LL) Kennel, indoor, pursuant to Section 5-606.

(MM) Convention or exhibition facility, 25,000 sq. ft. or less, with no direct access to Route 50.

(NN) Auxiliary uses, pursuant to Section 3-907(O).

(OO) Accessory uses, pursuant to Section 3-907(E).

(PP) Museum or Exhibition Facility, with no direct access to Route 50.

(QQ) Antique shop; Art gallery, pursuant to Section 5-650(B)(1) and (2).

(RR) Banquet/Event Facility, 25,000 sq. ft. or less, with no direct access to Route 50.

3-904

Special Exception Uses. The following uses may be permitted by the Board of Supervisors and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300. In addition, the uses listed below shall be developed in accordance with Section 3-907(F) and all other applicable ~~p~~Performance ~~e~~Criteria.

(A) ~~Art Gallery.~~

(B) Automotive Service Station.

(C) Bank or Financial Institution, pursuant to Section 5-659.

(D) Convenience food store with or without gas pumps, pursuant to Section 5-617.

(E) Convention or exhibition facility.

(F) Car wash.

(G) Contractor Service Establishment, pursuant to Section 5-662.

(H) Distribution Facility.

(I) Heliport or helistop.

(J) ~~Kennel, indoor, pursuant to Section 5-606.~~

(K) Motor vehicle rental.

(L) Motor vehicle sales.

- (M) Motor vehicle service and repair, light.
- (N) ~~Museum or Exhibition Facility.~~
- (O) Personal service establishment.
- (P) Private club or lodge.
- (Q) Public utility service, with outdoor storage.
- (R) Radio, radar and/or television tower.
- (S) Restaurant, including fast-food, with or without drive-through, not otherwise permitted per 3-907(E) and 3-907(O).
- (T) Retail sales establishment.
- (U) Sewage treatment plant.
- (V) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (W) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (X) Utility substation, transmission, pursuant to Section 5-616.
- (Y) Utility transmission lines, overhead.
- (Z) Water storage tank.
- (AA) Water treatment plant.
- (BB) Library.
- (CC) Banquet/Event Facility.
- (DD) Continuing Care Facility, pursuant to Section 3-907(P).

3-905

Lot Requirements.

- (A) **Size.** ~~Two (2) acres minimum.~~ One (1) acre minimum. Any lot less than two (2) acres shall have no direct access to Route 50, regardless of whether Section 3-907(F) is met.
- (B) **Width.** 200 feet minimum.
- (C) **Depth.** 200 feet minimum.
- (D) **Yards.**

- (1) **Adjacent to Roads.** Except where a greater setback is required by Section 5-900, thirty five (35) feet for building; twenty five (25) feet for parking.
- (2) **Adjacent to Parcel Boundaries.**
 - (a) **With Other Nonresidential Districts.** ~~Fifteen (15) 25~~ feet minimum; ~~for~~ buildings; ~~ten (10)~~ feet minimum ~~for~~; parking ~~lot~~, ~~outdoor storage, and~~ loading ~~unloading~~ areas, and areas for the collection or storage of refuse, ~~except where a greater yard is required by Section 5-1400.~~ In the event that a single parcel is zoned for more than one non-residential zoning district, the applicable yard requirement shall be applied only at the property line and not at the zoning district line. The Zoning Administrator may waive the parking ~~lot~~-yard requirement when necessary to permit shared parking and access arrangements between uses on individual parcels.
 - (b) **With Residential Districts.** Twenty-five (25) feet minimum. No building, parking ~~lots~~, loading/unloading areas, outdoor storage, or areas for the collection or storage of refuse shall be permitted in any required yard adjacent to a residential zoning district.

3-906

Building Requirements.

- (A) **Lot Coverage.** ~~.45 percent~~-maximum; up to .60 maximum by Special Exception.
- (B) **Building Height.** ~~45~~ Sixty (60) feet maximum provided that a building may be erected to a maximum height of one hundred (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than. ~~The maximum building height may be increased provided that one (1) foot is added to each of the required yard setbacks~~ for each additional one (1) foot of building height that exceeds the sixty (60) foot limit. ~~up to a maximum of (55) feet total height.~~ Additional height limitations for areas or building sites or lots directly under an airport runway flight path may be imposed in accordance with applicable Federal Aviation Administration regulations.
- (C) **Base Floor Area Ratio (FAR).** ~~0.30~~ 0.40 maximum.

(D) **Adjusted Base Floor Area Ratio (FAR).**

(1) The base floor area ratio in the CLI district may be increased on certain parcels by approval of the Zoning Administrator, upon demonstration of one or more of the following:

(a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any portion of such properties is located ~~or portions of properties located~~ within 600 feet of the right-of-way of Route 50 ~~of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended)~~ if:

(i) Such properties are not located at an existing median break of such road; and

(ii) The owner(s) of such properties permanently relinquish direct access to Route 50 ~~such road~~; and

(iii) The owner(s) of such properties form shared access agreements with the owner(s) of adjoining properties that enable controlled access to such road for multiple uses. Such shared access agreements shall remain in effect in perpetuity or until future public road improvements provide alternative access to the subject parcels that alleviates the need for the original shared access agreement. The shared access agreement shall be depicted on the site plan(s) for the subject parcels and shall include all infrastructure improvements necessary to enable the safe and efficient access of each parcel as determined by the Department of Transportation and Capital Infrastructure Services and VDOT.

(b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any ~~or~~ portion of such properties are located within 600 feet of the right-of-way of a road in the primary system of state highways (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) Route 50 if the owner(s) of such

properties file a unified plan for development
~~consolidates such properties for development~~
~~purposes~~ with ~~a~~ contiguous parcels of land which,
when combined, total at least 20 acres. For the
purposes of this Section, a unified plan for
development shall mean: (1) development involving
multiple parcels that is approved with a single site
plan application and (2) all parcels subject to the
unified plan for development shall share no more
than one point of access onto Route 50. Single
entity ownership is not required, but a single
commercial owners association shall be formed as
evidenced by a Declaration of Covenants that sets
forth maintenance, design standards, etc.

- (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties where any
~~or~~ portion of such properties are located within 600 feet of the right-of-way of Route 50—a road in the
~~primary system of state highways (as defined in~~
~~Section 33.1-25 of the Code of Virginia, 1950 as~~
~~amended)—~~if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 ~~feet~~feet ~~along the road from~~
the right-of-way of Route 50.

- (2) The density increase can be granted singly or cumulatively,
up to a maximum of .60 FAR.

3-907

Performance Criteria. The purpose of the following sections is to achieve a design whereby buildings are located, oriented and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs, and the desired overall character of the district as a principal gateway into Loudoun County.

- (A) **Transportation Design.** Transportation elements shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic at intersections with traffic controls such as traffic lights, stop signs or traffic calming features. Left-turn storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. To the maximum extent feasible, land development applications shall identify opportunities and methods for shared access and inter-parcel linkages.

- (B) **Buffering and Screening.** Yards, berms, vegetative screening, fences, or walls shall be provided to buffer residential districts and public streets from uses allowed in this district. In particular, outdoor storage, off-street parking areas and service areas for loading and unloading and for storage and collection of materials, supplies, and/or refuse and garbage, shall be screened so that such areas are not visible from any public right-of-way and/or residential use. Areas for the collection and storage of refuse and outdoor storage areas shall be fully enclosed by a structure composed of opaque materials. Such materials shall be compatible with those used in the exterior construction of the principal building.
- (C) **Landscaped Open Space.** Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot.
- (D) **Off-Street Parking and Loading Facilities.** All off-street parking spaces shall be within 500 feet by safe and convenient pedestrian routes of entrances to the buildings the parking spaces are intended to serve. No off-street parking or loading facilities shall be located in required landscaped yards. Off-street parking areas shall, to the maximum extent feasible, be located to the rear of the buildings.
- (E) **Accessory Uses.** The following accessory uses shall be permitted in the district:
- (1) Warehousing, indoor storage and distribution associated with a permitted use, but excluding the bulk storage of gasoline, petroleum products, natural gas and chemicals.
 - (2) Retail sales and personal service uses for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the floor space of the principal use of the building.
 - (3) Outdoor storage for permitted and/or special exception uses, not to exceed twenty-five percent (25%) of the gross lot area. No storage of any kind shall be permitted within any required yard.
 - (4) Restaurant and restaurant carry-out.
- (F) **Access Limitation for Certain Uses.** For ~~the all~~ uses listed in Section 3-903 ~~unless otherwise stated, as being pursuant to this section~~ and all uses listed in Section 3-904, such uses shall be permitted to have direct access to Route 50 (i) only if the property

owner can demonstrate that the subject property does not have legal access to any public road other than Route 50 and does have legal access to the location of a planned Route 50 Parallel Road, as shown on the Countywide Transportation Plan (CTP), as amended, and (ii) provided that such access, if permitted, shall be limited to right-turn-in and right-turn-out entrances to and from Route 50 only as approved by VDOT. Prior to approval of a site plan for these uses, property owners must execute and record an instrument, in form as reviewed and approved by the County, which obligates such owner and successors to relinquish all such direct access rights and close off all direct access to Route 50, at no cost to the County or VDOT, or permit the County or VDOT to close off all direct access without compensation, when alternative access to the site becomes available via public or private street adjacent to the owner's parcel or via other means, such as an available private access easement that provides access to any such public or private street.

- (G) **Vehicular Access and Circulation.** Primary access and through vehicular traffic impacting residential neighborhoods shall be avoided. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic.
- (H) **Pedestrian Access and Circulation.** Pedestrian ways shall be incorporated into each development so as to minimize conflicts with vehicular traffic and to enable safe and convenient pedestrian access to all buildings, parking and other facilities. Pedestrian ways shall be extended to adjacent properties and shall connect uses within individual developments. Land development applications shall delineate the on-site pedestrian system and provide connections to such systems in adjacent developments as well as public networks, if applicable.
- (I) **Utility Requirements.** All new utility distribution lines in the CLI district shall be placed underground.
- (J) **Prohibited Uses.** The following manufacturing uses shall not be permitted:
 - (1) ~~Alcoholic beverage manufacturing.~~
 - (2) ~~Ammonia, bleaching powder or chlorine manufacture.~~
 - (3) ~~Blast furnace.~~
 - (4) ~~Boiler works.~~

~~(5) — Chemicals and acid manufacture or storage.~~

~~(6)~~(1) Distillation of coal, wood or bones.

~~(7) — Distillation of turpentine or varnish.~~

~~(8) — Dye works.~~

~~(9) — Emery cloth manufacture.~~

~~(10)~~(2) Fertilizer manufacture.

~~(11)~~(3) Fireworks.

~~(12) — Fish canning, curing, grinding or smoking.~~

~~(13)~~(4) Garbage incineration other than in municipal plants.

~~(14) — Glue, size or gelatin manufacture.~~

~~(15) — Grinding, cooking, boiling, rendering or storing of slaughter house refuse, animal refuse, rancid fats or refuse of dead animals.~~

~~(16) — Iron, steel or copper works, foundries or smelting facilities.~~

~~(17) — Lime, cement, concrete gypsum, plaster of paris or mortar manufacture.~~

~~(18)~~(5) Mixing or batching plants for asphalt, concrete, brick or other paving and construction materials.

~~(19)~~(6) Petroleum, alcohol or asphalt refining, mixing or manufacture or storage.

~~(20) — Pyroxylin or celluloid manufacture.~~

~~(21) — Pulverizing of charcoal or coal.~~

~~(22) — Soap manufacture.~~

~~(23) — Stockyards.~~

~~(24) — Tanning, curing or storing of raw hides or skins.~~

~~(25) — Tetra-ethyl lead precipitate liquid manufacture.~~

~~(26) — Vinegar manufacture.~~

~~(27) — Wool pulling and scouring.~~

~~(28)~~(7) Material recovery facility.

~~(29)~~(8) Any other use similar to the above excepted uses which is likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other causes.

(K) **Uniform Landscaping for Front Yard Areas Adjacent to a ~~Primary Highway~~ Route 50.**

(1) All parcels with frontage on Route 50 a primary highway (as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended) shall include landscaping in accordance with the Type 5 Buffer Yard in Section 5-1414(B)(1).

(L) **Compatibility.** Architectural treatment of buildings, to include materials, color, and style, shall be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, scale, materials, colors, and other architectural features. For the purposes of this section, a project is defined as a development that is planned, developed or managed as a unit.

(M) **Building Orientation.** The front ~~face~~ade and principal public entrance of all buildings shall be oriented toward an adjacent public street.

(N) **Screening of Mechanical Equipment.** Mechanical equipment, whether ground level or rooftop, shall be in accordance with Buffer Yard Type 3, screened from view from adjacent properties and public rights-of-way and designed to be perceived as an integral part of the principal building. For the purposes of this section, mechanical equipment shall include, but not be limited to, satellite dishes, exhaust fans, HVAC equipment, and roof access ladders. In cases where parapets are used to screen rooftop equipment, the maximum height of the parapet shall be equal to the top of the highest mechanical unit but shall not exceed the maximum height allowed in the district by more than 3 feet.

(O) **Auxiliary Uses.** The uses listed below shall be permitted on a stand-alone basis, if they are auxiliary to the district and are developed as part of a unified plan for development, in accordance with Section 3-906(D)(1)(b), that contains at least one of the following permitted uses: (i) Establishment for assembly, fabrication, processing, production and/or manufacturing of goods or products; (ii) Flex-industrial uses; (iii) Office, administrative, medical, business and professional; (iv) Research, experimental, testing or development activities; (v) Educational institution; (vi) Hotel/motel; (vii) Museum or Exhibition Facility.

(1) Restaurant, including fast food with drive-through.

(2) Convenience food store.

(3) Bank or financial institution, pursuant to Section 5-659.

(4) Personal service establishments.

(5) Banquet/Event Facility, 25,000 sq. ft. or less.

(P) **Continuing Care Facility.** Continuing Care Facilities shall be permitted in the CLI zoning district subject to the following additional provisions:

(1) **Size, Density and Location.** The maximum lot size shall not exceed twenty (20) acres. The maximum density shall not exceed 16 units per acre. The use shall only be located as follows:

(a) In areas served by public water and sanitary sewer.

(b) With access only from a collector road.

(c) Buildings and parking shall be setback a minimum of three hundred (300) feet from Route 50.

(2) **Required Uses.** All continuing care facilities located in the CLI zoning district shall provide the following, subject to the requirements and limitations of these regulations:

(a) A minimum of two (2) of the following types of care shall be provided:

(i) Congregate Living Facility, limited to a maximum of sixty-five percent (65%) of the total number of units provided.

(ii) Adult Assisted Living.

(iii) Nursing Home.

(b) Clubhouse or common areas, solely for the residents, employees and their guests, including but not limited to meeting rooms, auditorium, theater, business office, and recreational facilities and other uses related to adult age-restricted community living.

- (c) Ancillary retail uses only for continuing care facilities, such as grocery/convenience food store, pharmacy, medical services, barber shop, beauty shop, personal care facilities, eating and drinking establishments, library, bank and financial institutions (without drive-through), business services, laundry, cleaners, or other similar retail uses. The floor area for retail and community service uses shall not exceed ten percent (10%) of the gross residential floor area of the buildings.
- (d) Swimming pool.
- (e) Health and fitness center.
- (f) Bus shuttle service.
- (g) A minimum of thirty-five percent (35%) of the total land area shall consist of parks and/or open space.
- (3) **Yard Requirements.** Notwithstanding the requirements found in Section 3-905(D), the following yards shall be provided:
 - (a) **Adjacent to roads.** Except where a greater setback is required by Section 5-900, thirty-five (35) feet for buildings and twenty-five (25) feet for parking. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.
 - (b) **Adjacent to Nonresidential Districts and Uses.** No building shall be permitted closer than fifty (50) feet to any nonresidential district, any existing or planned nonresidential district, or land bay or lot allowing nonresidential uses. No parking shall be permitted closer than twenty-five (25) feet to any such area. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such nonresidential districts, existing or planned nonresidential districts, or land bays allowing nonresidential uses where such uses are visible from said nonresidential areas.
- (4) **Development Criteria.** The following recreational, educational, and cultural facilities solely for the residents,

employees and their guests shall be located on site or within ten (10) miles of the site. If facilities are not provided on site, a guaranteed use of and vehicular or other guaranteed means of transportation to such facilities for the residents of the development shall be provided.

(a) Golf course (minimum 18 holes).

(b) Chapel.

(c) Medical care facility, outpatient only

(d) Recreation space, passive.

(5) **Age of Residents.** Continuing care facilities in the CLI zoning district shall be subject to a homeowner's association, as evidenced by a Declaration of Covenants reviewed and approved by the County that specifies the age-restricted nature of the proposed use. A development designated for an age-restricted development shall be in accordance with Virginia Code, Section 36-96.7, as amended, and shall include in the homeowner's association Declaration of Covenants policies and procedures which:

(a) Ensure that at least eighty percent (80%) of the units are occupied by at least one person 55 years of age or older per unit; and

(b) Demonstrate intent by the owner or manager to provide housing for persons 55 years of age or older.

ISSUES MATRIX

ZOAM 2013-0007, AMENDMENTS TO THE COMMERCIAL LIGHT INDUSTRY ZONING DISTRICT

May 7, 2014 BOARD OF SUPERVISORS BUSINESS MEETING

ZONING ORDINANCE SECTION		ZONING ORDINANCE TEXT PROPOSED	STAFF RECOMMENDATIONS	PC RECOMMENDATIONS	TLUC RECOMMENDATIONS
1.	§3-903	Permitted Uses. <u>Museum or Exhibition Facility, no direct access to Route 50.</u>	Supports reclassification to permitted use with no direct access to Rt 50 due to CTP condition of limited access and traffic volume associated with use.	Supports reclassification to permitted use with access limited per 3-907(F) which allows direct access to Rt 50 until such time as there is alternative access.	Supports staff recommendation.
2.	§3-904	Special Exception Uses. Convenience food store without gas pumps.	Does not support reclassification due to inconsistency with purpose of district to limit traffic and aesthetic impacts on surrounding properties; impedes development as a distinctive gateway; intense traffic generation on ultimate condition of limited access to Rt. 50; Comp Plan issues of limiting to supportive retail uses.	Supports staff recommendation to continue use as SPEX use due to traffic generation and Rt 50 gateway vision.	Supports staff/PC recommendation
3.	§3-904	Special Exception Uses. <u>Continuing Care Facility:</u> 1. <u>Congregate Care Facility</u> 2. <u>Adult Assisted Living</u> 3. <u>Nursing Home</u>	Does not support any component as SPEX due to residential nature of use in a commercial/light industry district; district does not provide necessary support services; traffic impact on Rt 50 impedes limited access; vehicular conflicts with commercial and light industry; Comp Plan issues (capital facilities calculation, etc.).	Supports “adult assisted living” and “nursing home” as a SPEX use, but not “congregate care facility” (independent living) because most similar to multi-family residential.	Supports ZOAG recommendation (all 3 components) as SPEX with performance standards to regulate size, location, access to Route 50, type of facility provided, and to require amenities and services.
4.	§3-905(A)	Lot Requirements. Size. Two (2) acres minimum. <u>One (1) acre minimum. Any lot less than two (2) acres shall have no direct access to Route 50</u>	Does not support a reduction in lot size because of doubling of access points onto Rt 50 which makes realizing CTP condition of limited access road difficult.	Supports ZOAG recommendation to reduce to one acre.	Supports PC recommendation with restriction on additional access to Rt 50 for lots less than 2 acres.
5.	§3-903	Permitted Uses. The following uses shall be permitted in the CLI district subject to the requirements and performance criteria of these regulations. <u>In addition, the uses listed below shall be developed in accordance with Section 3-907(F), unless otherwise stated.</u>	Supports TLUC’s recommendation to restrict Rt 50 access for all uses. Text revised so that all uses must relinquish access when an alternative route becomes available, except as otherwise noted.		Supports access restriction onto Rt 50 for all uses.

Red Underlined Text: Added text

Strikethrough Text: Deleted Text